

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Donald Wayne CUMMINGS

Case: 2:24-mj-30296
Case No. Assigned To : Unassigned
Assign. Date : 7/26/2024
Description: COMP USA V.
CUMMINGS (KB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/26/2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

Continued on the attached sheet.



Complainant's signature

Special Agent Kenton Weston - ATF
Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: July 26, 2024



Judge's signature

City and state: Detroit, Michigan

Honorable Anthony P. Patti, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kenton Weston, being first duly sworn, hereby state:

INTRODUCTION

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and assigned to the Detroit Field Division since January 2018. I graduated from the ATF Privately Made Firearm (PMF) and Machine Gun Conversion (MCD) Train the Trainer Course, the Federal Law Enforcement Training Center Criminal Investigator Training Program, and the ATF Special Agent Basic Training Program. I also have a bachelor's degree in accounting from Western Michigan University. During my employment with the ATF, I have conducted and/or participated in numerous criminal investigations focused on violence involving a firearm, firearm and drug trafficking violations, and criminal street gangs.

2. I am currently assigned to the Pontiac Gun Violence Task Force (GVTF), a task force established by the Oakland County Sheriff's Office (OCSO) and the ATF. Additionally, I am a member of the ATF lead Crime Gun Enforcement Team (CGET). The GVTF and the CGET are tasked with investigating the unlawful possession of firearms and violent firearm crimes committed within the city of Pontiac, Oakland County, and the Eastern District of

Michigan. During my employment with the ATF, I have been involved in over a hundred investigations involving violent crimes, which have resulted in the seizure of illicit controlled substances, hundreds of firearms, and over one hundred and seventy-five arrests.

3. This affidavit is made in support of an application for a criminal complaint for Donald Wayne CUMMINGS (XX/XX/2003).

4. I have probable cause to believe that CUMMINGS, who knew he was a convicted felon, knowingly possessed firearms, which traveled in interstate commerce, in violation of 18 U.S.C. § 922(g)(1).

5. I make this affidavit based on my participation in this investigation, reports from other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

6. The information in this affidavit is for the limited purpose of establishing probable cause and does not contain all details or all facts relating to this investigation.

PROBABLE CAUSE

7. On July 18, 2024, Detroit Police Department (DPD) received information regarding a go-cart stolen from a Family Dollar in Detroit. Per the victim, they located the stolen go-cart on Facebook Marketplace, where it was

advertised for sale by CUMMINGS. On July 25, 2024, the victim arranged to meet CUMMINGS at a Citgo Gas station, located on Wyoming in Detroit. The purpose of the meeting was for the victim to buy their go-cart back from CUMMINGS for approximately \$2,000. DPD coordinated with the victim about the meeting. DPD set up surveillance at the gas station and observed a stolen white van pull into the parking lot driven by CUMMINGS. CUMMINGS met with the victim at the gas station and attempted to coax the victim to pick up the stolen go-cart from CUMMINGS' residence. The victim declined to travel with CUMMINGS.

8. CUMMINGS then departed the gas station and, shortly after, returned driving the stolen go-cart. Once CUMMINGS exited the go-cart, DPD officers approached CUMMINGS to arrest him. As police approached, CUMMINGS fled on foot towards the back of the gas station. As CUMMINGS approached a rear fence, DPD officers observed and communicated, via their radio, that CUMMINGS had produced a black handgun and holster and threw the items behind him prior to scaling the rear fence. CUMMINGS then continued toward the residence of *** Esper. DPD continued the foot chase and saw CUMMINGS scale a second fence leading to the backyard of *** Esper. As DPD continued behind CUMMINGS, officers gave commands for CUMMINGS to get on the ground. CUMMINGS eventually complied, laid flat on his stomach, and was handcuffed.

9. An officer went to the location where CUMMINGS threw the firearm and recovered a loaded black Glock 23, .40 caliber pistol and black holster.

10. I reviewed CUMMINGS' computerized criminal history which revealed that in 2023, Judge Gershwin A. Drain sentenced CUMMINGS to 24 months in prison for violating 18 U.S.C. § 922(g)(3). CUMMINGS is currently on federal supervised release.

11. On July 26, 2024, I contacted Special Agent Kara Klupacs, an ATF Interstate Nexus Expert, and provided her a description of the firearm recovered. Based upon the description, Special Agent Klupacs advised the gun is a firearm as defined under 18 U.S.C. § 921. She also advised that the firearm was manufactured outside of the state of Michigan after 1898 and therefore had traveled in and affected interstate commerce.

CONCLUSION

12. There is probable cause to believe that on July 25, 2024, within the Eastern District of Michigan, Donald CUMMINGS, who knew he was a convicted felon, knowingly possessed firearms, which had traveled in interstate commerce, in violation of 18 U.S.C. § 922(g)(1).

Respectfully submitted,



Kenton Weston, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means



Hon. Anthony P. Patti
United States Magistrate Judge

Date: July 26, 2024